

BOARD OF APPEAL REFERRALS

MAY 12, 1977

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534 Commercial Street, Boston

Mr. John W. Priestley, Jr.
Chairman, Board of Appeal
City Hall, Room 803
Boston, Massachusetts 02201

Re: Petition No. Z-3856

Dear Mr. Priestley:

In reply to referral of the above case and in accordance with Section 7-2 of the Zoning Code, the Boston Redevelopment Authority hereby makes the following report with recommendation as incorporated in the vote taken below in the Board meeting of April 28, 1977:

VOTED: In reference to Petition No. Z-3856, brought by the Trustees of Boston University, 700 Commonwealth Avenue, Boston, for a forbidden use for a change of occupancy from dormitory, garage, commercial, administrative, and retail store to dormitory, garage, commercial, administrative, retail store, and restaurant in an apartment (H-4) district, the Boston Redevelopment Authority recommends denial. Petitioner has failed to submit a master plan of land use policies in accordance with Mayoral Policy Statement on Medical and Educational Institutions.

Very truly yours,

BOSTON REDEVELOPMENT AUTHORITY

By Kenneth J. Sullivan
Secretary

MEMORANDUM

May 12, 1977

TO: BOSTON REDEVELOPMENT AUTHORITY
FROM: Robert F. Walsh, Director
SUBJECT: BOARD OF APPEAL REFERRALS

Petition No. Z-3856
Trustees of Boston University
700 Commonwealth Avenue, Boston
at Cummington Street

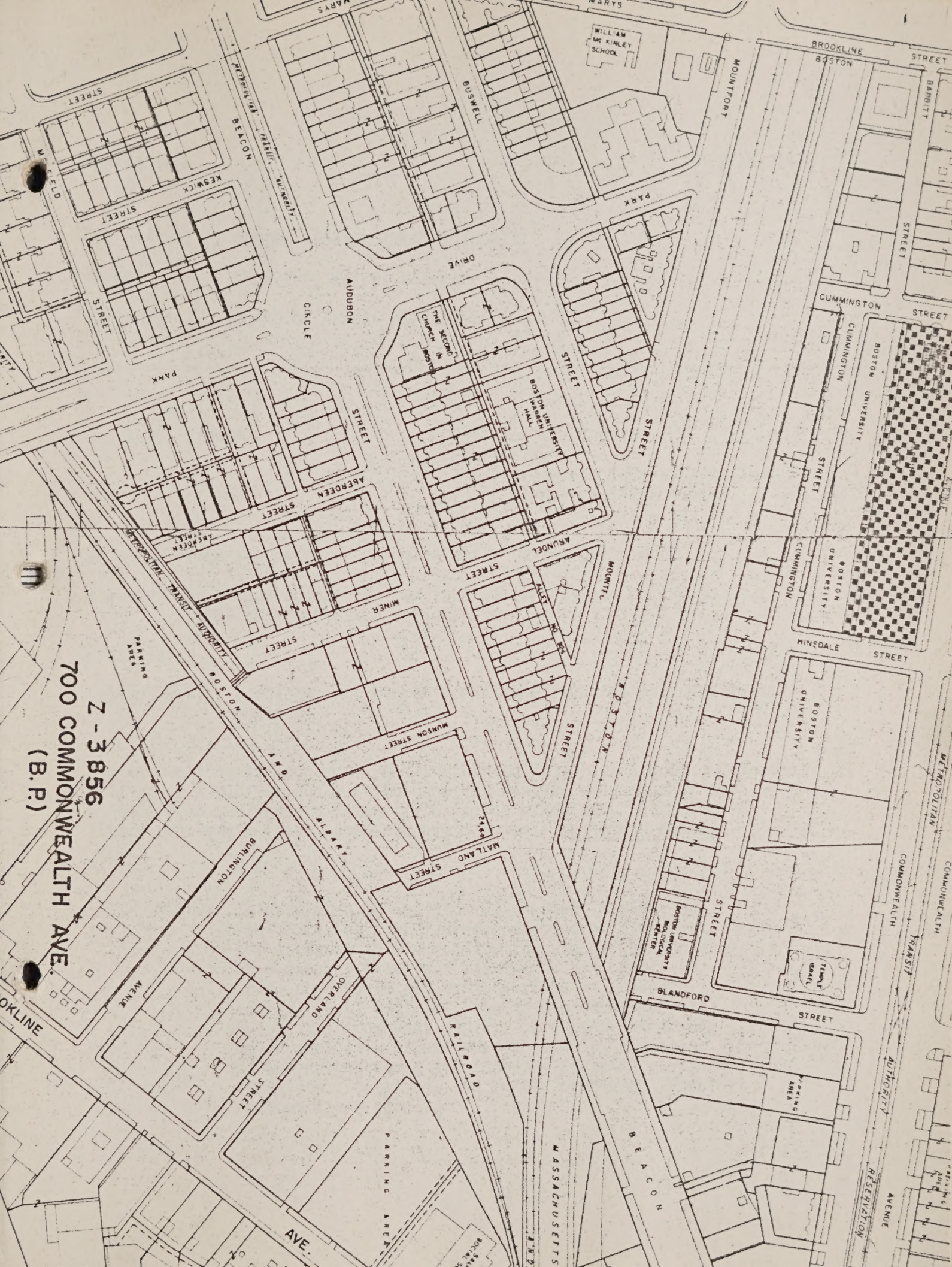
Boston University proposes to lease ground-floor space in its garage/dormitory/office building for an ice cream bar and restaurant for on-premises consumption. A restaurant is forbidden in an H-4 district.

The Authority, at its Board meeting of April 28, 1977, voted the staff's recommendation to deny the petition (though there was no objection to the facility as such) because Boston University had failed to submit a master plan of land use policies in accordance with City policy.

The Board of Appeal held its hearing on the petition last Tuesday, May 20. At the hearing, B.U. presented information that it had retained the consulting firm of Jung/Brannen Associates to prepare a five-year master plan to be completed within twelve months. As a result, the Board of Appeal was inclined to approve the petition provided the Authority concurred and transmitted a revised recommendation by May 24. Staff recommends approval with provisos.

VOTED: In reference to Petition No. Z-3856, brought by the Trustees of Boston University, 700 Commonwealth Avenue, Boston, for a forbidden use for a change of occupancy from dormitory, garage, commercial, administrative, and retail store to dormitory, garage, commercial, administrative, retail store, and restaurant in an apartment (H-4) district, the Boston Redevelopment Authority rescinds its previous vote of April 28, 1977, and recommends approval providing Boston University submits a revised scope of services from its master plan consultant satisfactory to the Authority, and providing the restaurant use is limited to a two-year period and is extended only upon satisfactory submission of a master plan by Boston University.

Z-3856
700 COMMONWEALTH AVE
(B.P.)



MEMORANDUM

May 12, 1977

TO: BOSTON REDEVELOPMENT AUTHORITY
FROM: Robert F. Walsh, Director
SUBJECT: BOARD OF APPEAL REFERRALS

Hearing: 5/24/77

Petition No. Z-3846
Paul Pilavios
3-5-7 Greenwood Square, Hyde Park
at Metropolitan Avenue

2½-story frame structure - single-family (S-.5) district.

Purpose: to change occupancy from four apartments and bakery to three apartments and variety store.

Violation:

Section 9-2. A change in a nonconforming use requires Board of Appeal hearing.

Duplex dwelling is located directly opposite Hyde Park School. Proposed retail use would seriously affect the residential character of the neighborhood and tend to intensify existing vandalism, loitering, and litter problems. Local residents are opposed. Recommend denial.

VOTED: In reference to Petition No. Z-3846, brought by Paul Pilavios, 3-5-7 Greenwood Square, Hyde Park, for a change in a nonconforming use for a change of occupancy from four apartments and bakery to three apartments and variety store in a single-family (S-.5) district, the Boston Redevelopment Authority recommends denial. Proposed retail use would seriously affect the residential character of the neighborhood and tend to intensify existing vandalism, loitering, and litter problems. Local residents are opposed.



Z-3846
3-5-7 GREENWOOD SQ
(H.P.)

Board of Appeal Referrals 5/12/77

Hearing: 5/24/77

Petition No. Z-3849
Shepherd House Inc.
James M. Yetman, Treasurer
22 Windermere Road, Dorchester

2½-story frame structure - residential (R-.8) district.

Purpose: to change occupancy from two-family dwelling to lodging house
(halfway house)

Violations:

| | <u>Required</u> | <u>Proposed</u> |
|--|-----------------|-----------------|
| Section 8-7. A lodging house is conditional in an R-.8 district. | | |
| Section 14-2. Lot area is insufficient. | 14,000 sf | 4,000 sf |
| Section 23-1. Off-street parking is insufficient. | 6 spaces | 0 |

Shepherd House, halfway treatment center for women alcoholics, has been operating at this location for the past few years. Facility accommodates 14 residents, all voluntarily undergoing treatment. Off-street parking deficiency is mitigated by the use of nearby St. Margaret's Hospital parking facilities. Recommend approval with provisos.

VOTED: In reference to Petition No. Z-3849, brought by Shepherd House Inc., 22 Windermere Road, Dorchester, for a conditional use and two variances for a change of occupancy from a two-family dwelling to a lodging house in a residential (R-.8) district, the Boston Redevelopment Authority recommends approval with the following provisos: that the conditional use be in the name of and extend to the use of Shepherd House Inc. only; that the permit expire upon sale, lease, or other disposition of the whole or any part of the building by the appellant; that there be no structural changes; that the appellant make arrangements with St. Margaret's Hospital for continued use of parking facilities; that property taxes continue to be paid to the City of Boston.



22 WINDEMERE RD.
(DOR.)
Z-3849

Board of Appeal Referrals 5/12/77

Hearing: 5/31/77

Petition No. Z-3850
Hyde Park Convalescent Home, Inc.
113 Central Avenue, Hyde Park
near Arlington Street

Two-story masonry structure - single-family (S-.5) district.

Purpose: to increase capacity of convalescent home from 54 to 59 beds.

Violation:

| | <u>Required</u> | <u>Proposed</u> |
|---|-----------------|-----------------|
| Section 9-1. Extension of a nonconforming use requires Board of Appeal hearing. | | |
| Section 14-2. Lot area is insufficient. | 118,000 sf | 45,620 sf |

Minimal patient increase will not have any significant neighborhood impact.
No structural changes. Existing space to be utilized. Recommend approval.

VOTED: In reference to Petition No. Z-3850, brought by Hyde Park Convalescent Home, Inc., 113 Central Avenue, Hyde Park, for an extension of a nonconforming use and a variance to increase capacity of convalescent home from 54 to 59 beds in a single-family (S-.5) district, the Boston Redevelopment Authority recommends approval. Minimal patient increase will not have any significant neighborhood impact.



Z-3850
113 CENTRAL AVE.
(H.P.)

WILLIAM BARTON
ROGERS
J.P. HIGH SCHOOL

FIRST
CONGREGATIONAL
CHURCH

ROBERT
WHITE
HEALTH

FIRST
PRESB.
CH.

PARK

HYDE

EVERETT

CLAY

WEBSTER

HARVARD

LINCOLN

DELL

AVENUE

WEST

HILTON

AVENUE

ARLINGTON

TROPOLITAN

Board of Appeal Referrals 5/12/77

Hearing: 5/31/77

Petition No. Z-3851
Paul Lubin Saint-Fleur
45 Hartford Street, Dorchester
near Sargent Street

2½-story frame structure - residential (R-.5) district.

Purpose: to legalize occupancy - two-family dwelling.

Violations:

| | <u>Required</u> | <u>Proposed</u> |
|--|-----------------|-----------------|
| Section 8-7. Any dwelling converted for more families which does not meet the requirement for lot area is forbidden in an R-.5 district. | | |
| Section 14-2. Lot area is insufficient. | 8,000 sf | 5,000 sf |

Occupancy is consistent with neighborhood residential character.
Recommend approval.

VOTED: In reference to Petition No. Z-3851, brought by Paul Lubin Saint-Fleur, 45 Hartford Street, Dorchester, for a forbidden use and a variance to legalize occupancy for two-family dwelling in a residential (R-.5) district, the Boston Redevelopment Authority recommends approval. Occupancy is consistent with neighborhood residential character.



45 HARTFORD ST.

Z-3851

(DOR.)

Board of Appeal Referrals 5/12/77

Hearing: 5/31/77

Petition No. Z-3852
Alcoholism Association, Inc.
Paul Bontemps, Executive Director
5 Burton Avenue, Roxbury
near Copeland Street

2½-story masonry structure - residential (R-.8) district.

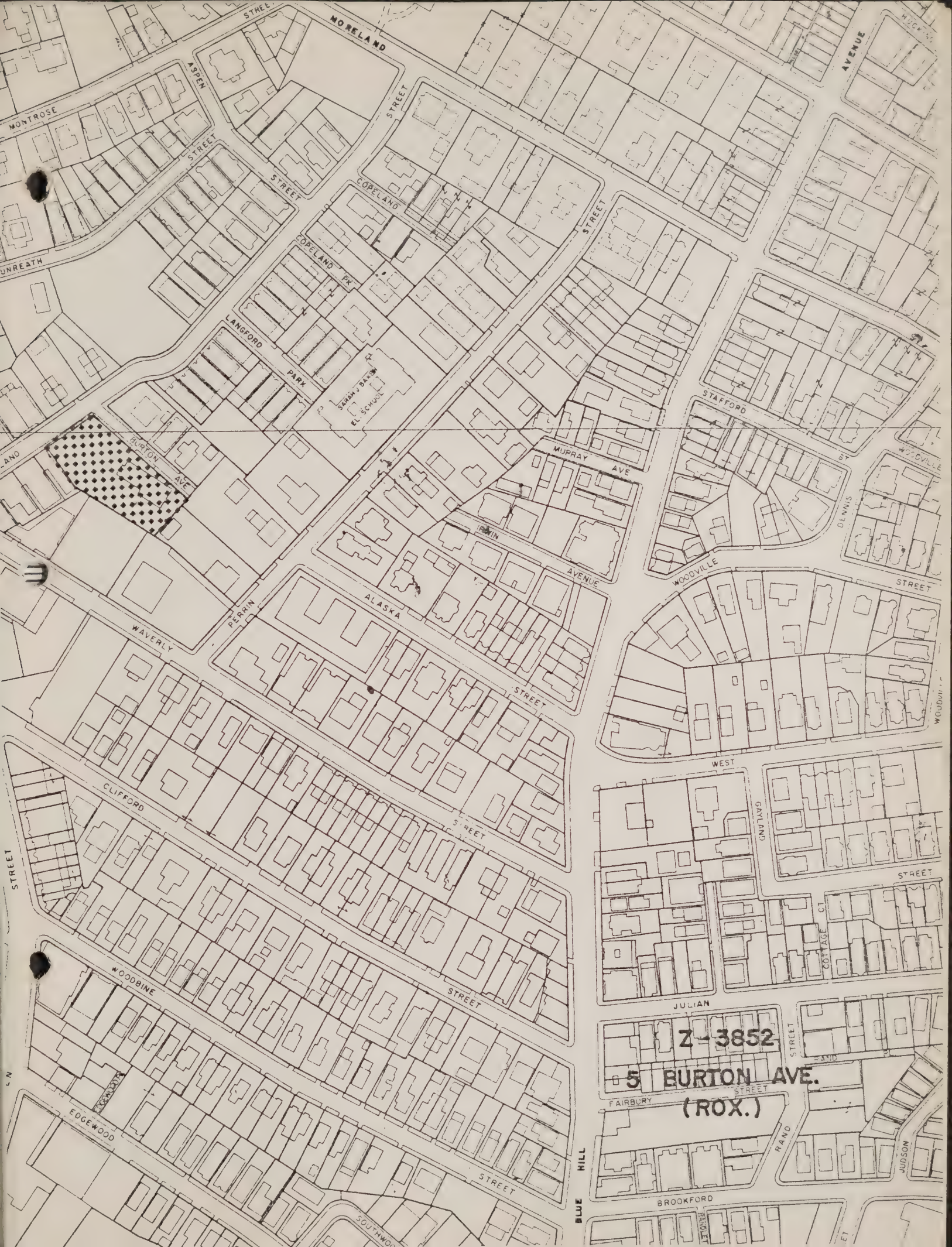
Purpose: to change occupancy from home for aged (former Roxbury Home for Aged Women) to detoxification center for alcoholic men and women.

Violation:

Section 9-2. A change in a nonconforming use requires Board of Appeal hearing.

Essentially, proposal would legalize 20-bed facility existing at site since 1974. Alcoholics receive detoxification treatment, motivational training, and rehabilitation. No community objection. Determination of need certification must be obtained from Commonwealth of Massachusetts Division of Alcoholism. Recommend approval with provisos.

VOTED: In reference to Petition No. Z-3852, brought by Alcoholism Association, Inc., 5 Burton Avenue, Roxbury, for a change in a nonconforming use for a change of occupancy from a home for aged to a detoxification center for alcoholic men and women in a residential (R-.8) district, the Boston Redevelopment Authority recommends approval with the following provisos: that determination of Need Certification be obtained from the Commonwealth of Massachusetts Division of Alcoholism; that the use be in the name of and extend to the appellant only; that the permit expire upon sale, lease, or other disposition of the whole or any part of the building; that no structural alteration be allowed; that property taxes continue to be paid. The City can no longer afford removal of property from tax rolls.



Z-3852

5 BURTON AVE.

(ROX.)

Board of Appeal Referrals 5/12/77

Hearing: 5/24/77

Petition No. Z-3853
May-Ris Realty Trust
115 Bremen Street, East Boston
near Gove Street

Vacant land - apartment (H-1) and local business (L-1) districts.

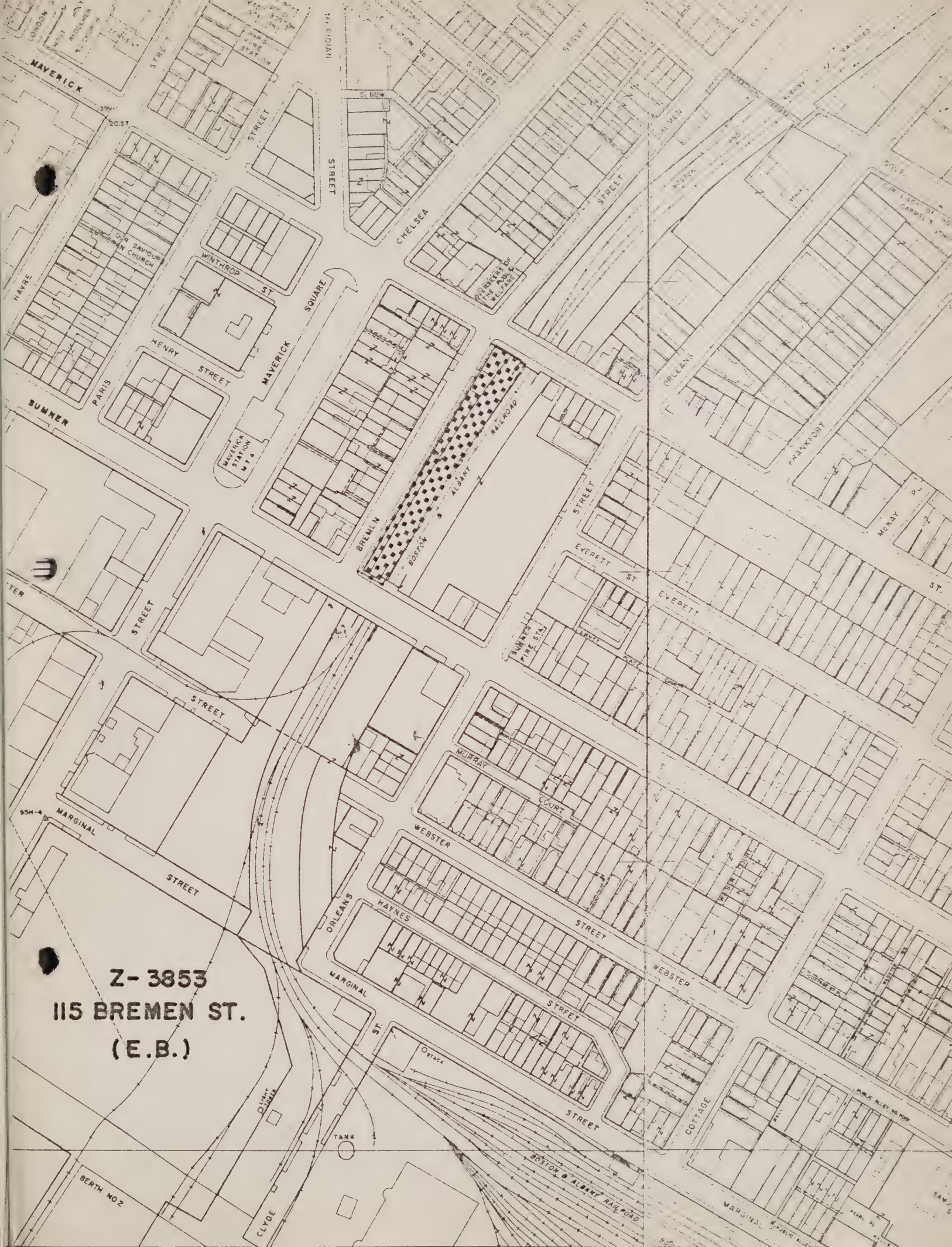
Purpose: to use premises as parking lot for fee; to erect six-foot-high masonry wall along rear and side lot lines.

Violations:

| | <u>Required</u> | <u>Proposed</u> |
|---|-----------------|-----------------|
| Section 8-7. A parking lot is forbidden in H-1 and L-1 districts. | | |
| Section 18-1. Front yard is insufficient. | 25 ft. | 0 |

Facility will accommodate 58 cars and satisfy a need for off-street parking in the nearby commercial district. Recommend approval with proviso.

VOTED: In reference to Petition No. Z-3853, brought by May-Ris Realty Trust, 115 Bremen Street, East Boston, for a forbidden use and a variance to use premises as parking lot for fee and to erect a six-foot-high masonry wall in apartment (H-1) and local business (L-1) districts, the Boston Redevelopment Authority recommends approval provided plans inclusive of landscaping be submitted to the Authority for design review.



Z- 3853
115 BREMEN ST.
(E.B.)

Board of Appeal Referrals 5/12/77

Hearing: 5/31/77

Petition No. Z-3854
 John J. Phillips
 35 Allston Street, Allston
 near Higgins Street

2½-story frame structure - residential (R-.8) district.

Purpose: to legalize occupancy - three-family dwelling.

Violations:

| | <u>Required</u> | <u>Proposed</u> |
|--|-----------------|-----------------|
| Section 8-7. Any dwelling converted for more families which does not meet the requirements for lot area and open space is forbidden in an R-.8 district. | | |
| Section 14-2. Lot area is insufficient. | 8,000 sf | 3,875 sf |
| Section 17-1. Open space is insufficient. | 800 sf | 706 sf |

Overcrowded conditions already exist in the area. Allston Street is narrow and heavily travelled. Neighbors strongly object.
Recommend denial.

VOTED: In reference to Petition No. Z-3854, brought by John J. Phillips, 35 Allston Street, Allston, for a forbidden use and two variances to legalize occupancy for a three-family dwelling in a residential (R-.8) district, the Boston Redevelopment Authority recommends denial. Overcrowded conditions already exist in the area. Allston Street is narrow and heavily travelled. Neighbors strongly object.



Z-3854
35 ALLSTON ST.
(ALLSTON)

Board of Appeal 5/12/77

Hearing: 5/31/77

Petition No. Z-3858
Filippo Frataroli
415 Hanover Street, Boston
at Harris Street

Four-story structure - apartment (H-3) district.

Purpose: to change occupancy from four apartments and funeral parlor
to five apartments and restaurant.

Violations

| | <u>Required</u> | <u>Proposed</u> |
|---|-----------------|-----------------|
| Section 8-7. Any dwelling converted for more families which does not meet the requirement for open space is forbidden in an apartment (H-3) district. | | |
| Section 8-7. A restaurant is forbidden in an H-3 district. | | |
| Section 17-1. Open space is insufficient. | 100 sf | 0 |

Small family restaurant would occupy first floor and basement. A public parking lot abuts rear of property. Proposal is compatible with residential-commercial character of neighborhood. Recommend approval.

VOTED: In reference to Petition No. Z-3858, brought by Filippo Frataroli, 415 Hanover Street, Boston, for two forbidden uses and a variance for a change of occupancy from four apartments and funeral parlor to five apartments and restaurant in an apartment (H-3) district, the Boston Redevelopment Authority recommends approval. Proposal is compatible with residential-commercial character of neighborhood. A public parking lot abuts rear of property.



Z-3858
415 HANOVER ST
(B.P.)

Board of Appeal Referrals 5/12/77

Hearing: 5/24/77

Petition No. Z-3859
 Michael F. O'Connor
 182 Park Street, West Roxbury
 near Clement Avenue

2½-story frame structure - single-family (S-.3) district.

Purpose: to change occupancy from a one-family dwelling to a two-family dwelling.

Violations:

| | <u>Required</u> | <u>Proposed</u> |
|---|-----------------|-----------------|
| Section 8-7. Any dwelling converted for more families is forbidden in an S-.3 district. | 15,000 sf | 10,650 sf |

Building has been vacant for several years and in need of repair.
 Appellant has rehabilitated exterior with approval of abutters.
 No neighborhood objection to additional unit for this structure.
Recommend approval.

VOTED: In reference to Petition No. Z-3859, brought by Michael F. O'Connor, 182 Park Street, West Roxbury, for a forbidden use and a variance for a change of occupancy from a one-family dwelling to a two-family dwelling in a single-family (S-.3) district, the Boston Redevelopment Authority recommends approval. Appellant has rehabilitated exterior of former vacant dwelling with approval of abutters. No neighborhood objection to additional unit for this structure.



Z-3859
(32 PARK ST
(W.R.))

Board of Appeal Referrals 5/12/77

Hearing: 5/31/77

Petition No. Z-3863
Edward's Furniture
66-72 Canal Street, Boston
near New Chardon Street

Six-story structure - manufacturing (M-4) district.

Purpose: to erect two projecting signs to office, sales, and furniture storage structure.

Violations:

Section 11-2. A sign attached at right angles to a building is not allowed if sign frontage of use advertised is less than 18 feet long.

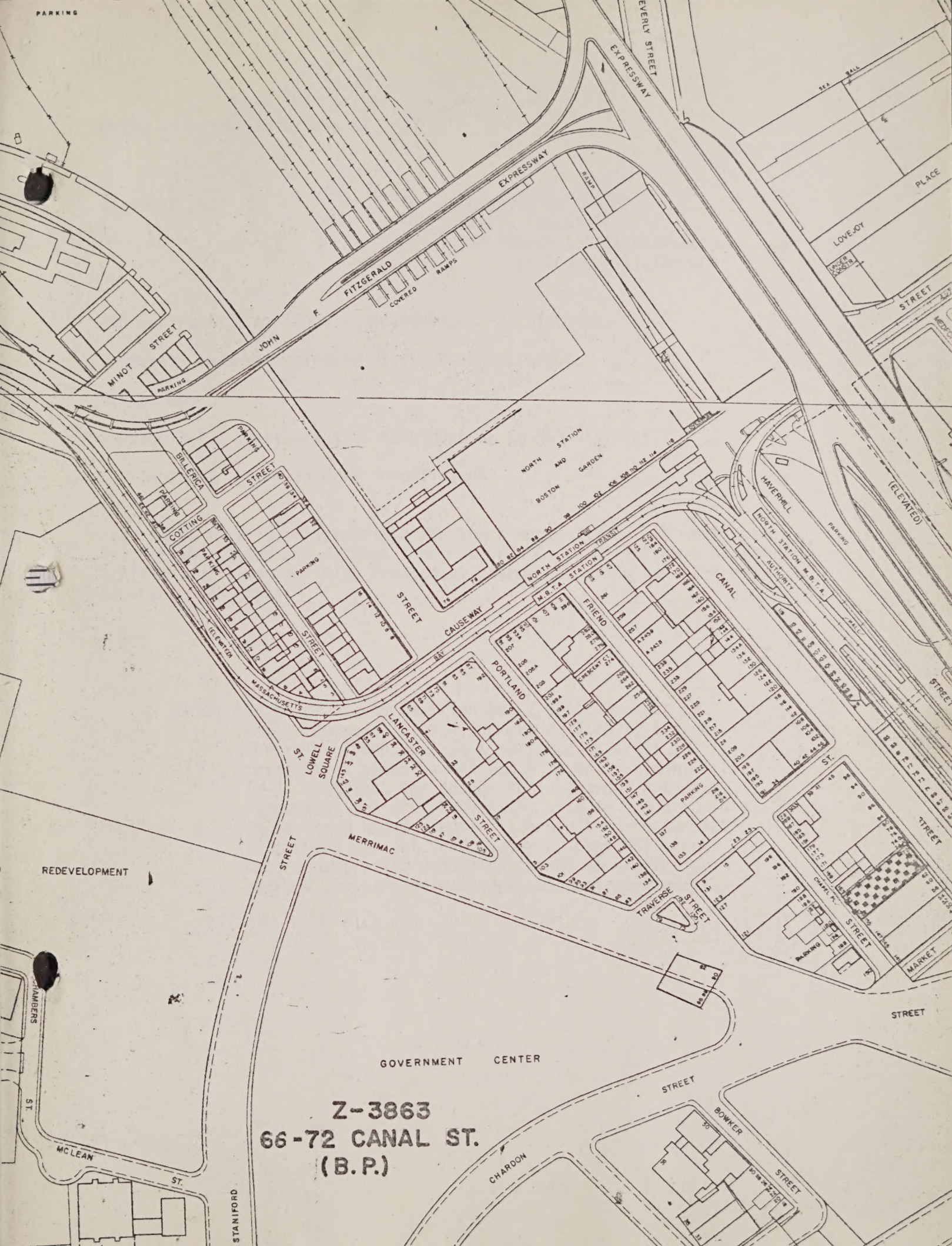
Section 11-2. The top of a sign attached at right angles to a building may not be higher than the top of the sills of the first level of windows above the first story. Area of sign exceeds maximum allowed; exposed guy wires are not allowed.

Section 11-2. Total area of permanent signs on frontage exceeds maximum allowed.

Signs would indicate furniture showrooms. A legal wall sign exists. Proposed signs (one of which also exists) are excessive, detract from the appearance of the structure, and intensify existing sign pollution on Canal Street. No evidence has been presented to justify this sign proposal. Recommend denial.

VOTED: In reference to Petition No. Z-3863, brought by Edward's Furniture, 66-72 Canal Street, Boston, for three conditional uses to erect two projecting signs in a manufacturing (M-4) district, the Boston Redevelopment Authority recommends denial. Proposed signs (one of which already exists) are excessive, detract from the appearance of the structure, and intensify existing sign pollution on Canal Street. There is no evidence to justify this proposal.

PARKING



REDEVELOPMENT

GOVERNMENT CENTER

Z-3863
66-72 CANAL ST.
(B.P.)

Board of Appeal Referrals 5/12/77

Hearing: 5/24/77

Petition No. Z-3865
Emilio Cucchiella
534 Commercial Street, Boston
at Copps Hill Terrace

408 square feet of land - apartment (H-3) district.

Purpose: to erect refreshment stand—snack wagon.

Violations:

Section 8-7. Restaurant is forbidden in an H-3 district.

Section 20-1. Rear yard is insufficient.

Very small site is inappropriate for snack wagon stand. It would tend to generate litter and detract from historic Copps Hill Park. Hazardous traffic conditions would be created by patrons crossing street from adjacent park areas.

VOTED: In reference to Petition No. Z-3865, brought by Emilio Cucchiella, 534 Commercial Street, Boston, for a forbidden use and a variance to erect a refreshment stand—snack wagon in an apartment (H-3) district, the Boston Redevelopment Authority recommends denial. Very small site is inappropriate for a snack wagon stand. It would tend to generate litter and detract from historic Copps Hill Park. Hazardous traffic conditions would be created by patrons crossing street from adjacent park areas.

